

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
May 22, 1974

An adjourned meeting of the City Council of the City of Lodi was held beginning at 8:00 P.M. on Wednesday, May 22, 1974, in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - EHRHARDT, HUGHES,  
(arrived 8:05 p.m.), KATNICH, SCHAFFER,  
and PINKERTON (Mayor)

Absent: Councilmen - None

Also present: City Manager Henry Glaves, Assistant City Manager Jerry Glenn, City Attorney Robert Mullen, Planning Director James Schroeder, and Public Works Director Shelley Jones.

The City Clerk announced that this adjourned meeting of the regular meeting of the Lodi City Council is being called by Mayor Pinkerton pursuant to Government Code Section 54956.

WAIVER OF WRITTEN  
NOTICE OF MAY 22,  
1974 ADJOURNED  
REGULAR MEETING  
OF LODI CITY  
COUNCIL

A written waiver of notice, which has been signed by all members of the Council of the City of Lodi stating, "Pursuant to Government Code Section 54956, the undersigned members of the City Council of the City of Lodi do hereby dispense with the necessity of written notice of the adjourned regular meeting of the Lodi City Council to be held on Wednesday, May 22, 1974 at 8:00 p.m." is on file in the office of the City Clerk.

INVOCATION

The invocation was given by Councilman Ehrhardt.

PLEDGE

Mayor Pinkerton led the Pledge of Allegiance to the flag.

MINUTES

On motion of Councilman Schaffer, Katnich second, the minutes of May 1, 1974, were approved as written and mailed.

PUBLIC HEARINGS

REZONE FROM  
R-1 to R-GA

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Pinkerton called for the public hearing to consider the request of H & M Builders by Mr. Marvin Wiebe for a change in zoning from R-1, Single Family Residential District to the R-GA, Garden Apartment Residential District, for three small parcels at the southeast corner of West Lodi Ave. and South Ham Lane.

Planning Director James Schroeder presented a drawing of the area proposed for rezoning and outlined the proposal.

Minutes of May 22, 1974, continued

There being no persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

ORD. NO. 1028  
INTRODUCED

After Council discussion, Councilman Ehrhardt moved the introduction of Ordinance No. 1028 rezoning from R-1, Single Family Residential District to the R-GA, Garden Apartment Residential District, for three small parcels at the southeast corner of West Lodi Ave. and South Ham Lane. The motion was seconded by Councilman Schaffer and carried.

APPEAL OF MR.  
WILLIAM E. RUFF -  
CONTINUED ON  
AGENDA

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, the Mayor called for the public hearing to consider the appeal of Mr. William E. Ruff on the action of the Planning Commission in denying Mr. Ruff's request for a change in zoning from the R-MD, Medium Density, Multiple Family Residential District to the C-1, Neighborhood commercial District, for a parcel located at the northwest corner of West Lodi Ave. and South California Street (i. e. 231 South California Street).

Inasmuch as the appellant, Mr. Ruff, was not in the audience, Mayor Pinkerton continued the matter for later on the agenda.

#### PLANNING COMMISSION

The City Manager gave the following report of the Planning Commission meeting of May 13, 1974.

#### ACTIONS OF INTEREST

1. Certified the Final Environmental Impact Report No. 73-6 for the Samuel D. Salas Park-Drainage Basin proposed at one of four different locations at the intersection of South Stockton Street and the future extension of East Century Boulevard.

In connection with this the Planning Commission has set a Public Hearing for 7:30 p.m., Tuesday, May 28, 1974 to consider recommending one of the four alternate locations as the site for this Park-Drainage Basin.

2. Certified the Final Environmental Impact Report No. 73-9 for the City of Lodi's Kettleman Lane Electrical Sub-station proposed for the north side of West Kettleman Lane adjacent to the City's Municipal Services Center.
3. Approved the request of Mr. Fred Gresham for a Variance to reduce the required front yard from the average on the block to 20 feet to permit the erection of a dwelling on a 5000-square-foot lot at 726 Peach Street in an area zoned R-1, Single-Family Residential.

Minutes of May 22, 1974, continued

4. Recommended that the San Joaquin County Board of Zoning Adjustment approve the request of Dr. Carroll Dow for a Use Permit for a wholesale nursery on the south side of Harney Lane, 2670 feet west of Extension Road (i.e., 376 West Harney Lane) in an area zoned GA-5, General Agricultural - 5 Acre Minimum.

#### COMMUNICATIONS

##### CCT TO REMOVE BARBERA PACKING SHED SPUR

The City Clerk reported that a letter had been received from the Public Utilities Commission reporting that the Central California Traction Company had informed the Public Utilities Commission of its intention, under the provisions of General Order No. 36-C, to remove from public service the Barbera Packing shed spur located at Lodi, effective May 28, 1974. The company states the spur has not been utilized for over the past two years and that the City of Lodi is anxious to have the street repaired where the switch and rail are located.

##### ABC LICENSE

An Application for Alcoholic Beverage License has been received from Lloyd W. Garrett and Dallas A. Williams. The name of the business is "The Jersey Lily", located at 25 N. Sacramento Street, Lodi. This is an on sale beer license - person to person transfer.

City Manager Graves reported to the Council that he had instructed the Chief of Police to check into this application as it indicated one of the applicants had been convicted of a felony. The Chief of Police had reported back to City Manager Graves that after an inquiry into the matter it was the Chief's recommendation that no protest be filed on this application.

#### REPORTS OF THE CITY MANAGER

##### CLAIMS

Claims in the amount of \$422,104.98 were approved on motion of Councilman Ehrhardt, Katnich second.

##### CITY CLERK'S CERTIFICATION OF REFERENDUM PETITION AGAINST ADOPTION OF CITY OF LODI ORDINANCE 1022.

The City Council received the City Clerk's certification of the referendum petition against the adoption of City of Lodi Ordinance 1022 entitled, "An Ordinance amending the Official District Map of the City of Lodi and thereby rezoning an approximately 47 acre parcel located at the southwest corner of South Ham Lane and West Lodi Ave. from R-1 to PD-11 Planned Development District No. 11".

City Manager Graves stated that the certification indicated sufficient signatures on the Petition to qualify it as a valid Referendum Petition and stated that the City Council may either repeal its existing ordinance or set a date for a referendum election to be held not less than 74 days or more than 89 days from the date of the order of the election.

Minutes of May 22, 1974, continued

Councilman Schaffer stated he wished to abstain from the discussion and voting, because of a possible conflict of interest.

After considerable discussion Councilman Hughes moved that the City Attorney be instructed to draw up a resolution calling for a Referendum Election to vote upon the question of: Shall Ordinance 1022 of the City of Lodi entitled, "An Ordinance amending the Official District Map of the City of Lodi and thereby rezoning an approximately 47 acre parcel located at the southwest corner of South Ham Lane and West Lodi Avenue from R-1 to PD-11 Planned Development District No. 11" be repealed, for Council action at the June 5, 1974 City Council meeting. The motion was seconded by Councilman Ehrhardt and carried by the following vote:

Ayes: Councilmen - Ehrhardt, Hughes, Pinkerton

Noes: Councilmen - Katnich

Abstain: Councilmen - Schaffer

Absent: Councilmen - None

Mayor Pinkerton directed the City Clerk to obtain from the County Clerk written confirmation of a date for this Referendum Election, which would both be agreeable with the County and fall within the provisions of the law; and also to check to see if there are any other pending election matters within the County that could be incorporated with this Referendum Election. This information is to be received for presentation at the June 5, 1974 Council Meeting.

Mr. William E. Ruff having arrived in the audience, the Mayor called for the public hearing to consider the appeal of Mr. William E. Ruff on the action of the Planning Commission in denying Mr. Ruff's request for a change in zoning from the R-MD, Medium Density, Multiple Family Residential District to the C-1, Neighborhood Commercial District for a parcel located at the northwest corner of West Lodi Avenue and South California Street (i.e. 231 South California Street).

APPEAL TO  
REZONE FROM  
R-MD to C-1 -

Planning Director James Schroeder presented a drawing of the area and outlined the appeal.

REFERRED BACK  
TO PLANNING COMM.

Mr. William E. Ruff, 411 Charleston Way, Lodi addressed the Council on behalf of his appeal. Following Council discussion, appellant Mr. Ruff indicated that his proposed usage for the property in question may qualify the property for a type of rezoning other than his original request and indicated his willingness for this matter to be referred back to the Planning Commission.

Minutes of May 22, 1974, continued

TRAFFIC IMPROVE-  
MENT PLAN - LODI  
AVE.

On motion of Councilman Schaffer, Hughes second, the matter was referred back to the Planning Commission for their investigation of the proposed usage of the property and the type of rezoning which would thereby be indicated.

Public Works Director Shelley Jones summarized the D. Jackson Faustman Lodi Avenue recommended traffic improvement plan and presented diagrams of the Lodi Avenue alternate design plans as follows:

- I. Faustman Plan  
4 lanes and left turn lane, parking south side, no parking north side - 66' curb to curb.
- II. City Plan - December 1973  
4 lanes and left turn lanes, no parking, 64' curb to curb.
- III. Merchants Plan  
4 lanes and parking on both sides - 64' curb to curb.
- IV. An alternate Plan  
4 lanes, no parking - 50' curb to curb.
- V. Existing Street  
2 lanes and left turn lane and parking - 50' curb to curb.

Following Mr. Jones' presentation, Mayor Pinkerton called for the public hearing asking that property owners and interested parties on the north side of Lodi Avenue speak first. The following persons were present and spoke on the matter.

Mr. Elmer Kirst, 221 S. Crescent, Lodi, addressed the Council asking when the signal lights would be installed at Crescent and asked that during the interim period "No left hand turn" signs be installed.

Mr. William C. Hoegerman, owner of a building at 501 W. Lodi Ave., Lodi asked that the City stand by the original adoption of a 64' street on a 80' right-of-way; with 4 lanes of through traffic, a center left turn lane; with no parking on either side of Lodi Ave. from Church Street to Ham Lane; that off-street parking be provided to offset the loss of existing on-street parking; that all raised medians be removed from Lodi Ave. and Hutchins Street intersections, and that painted double lines be provided.

Mr. Jack Chappell, 231 S. Avena, Lodi, speaking on behalf of some of the property owners on the north side of Lodi Ave., urged the Council to disallow parking on the north side of Lodi Ave., if providing parking on the north side of the street would be at the expense of tearing out many trees and a good portion of many yards.

Minutes of May 22, 1974, continued

Dr. Ingeburg Kultzen, 1111 W. Lodi Ave., Lodi stated that her practice depended on people being able to park near her business. She also stated that she felt the parking area would assist property owners in backing out of their driveways onto this busy street.

Mr. Thomas J. Shepard, Attorney at Law represented his client who is the owner of the Houston Building located at 515-531 West Lodi Ave., Lodi. Mr. Shepard stated that his client is very much concerned about the 4' sidewalk widths and is very much against no parking on the north side of Lodi Ave.

Property owners and interested parties of the south side of Lodi Avenue speaking on the matter were:

Mr. Larry Schalo, 730 W. Lodi Ave., Lodi stated that traffic on Lodi Ave. is now slow, because of confusion. Mr. Schalo feels there must be a buffer zone next to the sidewalk and expressed that he was in favor of Plan III, known as the "Merchants Plan".

Dr. C. Robert Breckenridge, 201 S. Avena, Lodi, President of the Lodi District Chamber of Commerce addressed the Council stating that after due consideration by the Chamber of Commerce of all factors involved, the Lodi District Chamber of Commerce reconfirms their position as follows:

1. Supports the widening of Lodi Ave.
2. Recommends the use of striping and/or reflectors instead for any further center curbs.
3. Recommends that the City plan for four lanes of traffic on Lodi Ave. without a center lane for turning except where deemed absolutely necessary for safe movement of vehicles.
4. Recommends the continued use of on-street parking with the possible exception of short turning lanes at vital intersections, where the elimination of parking would be necessary.
5. Recommends the elimination of existing concrete barriers or portions thereof where feasible.
6. Recommends that consideration be given to pedestrian safety on the sidewalks.

Mr. James McCarty, 811 Dianna Drive, Lodi stated if we redesign Lodi Ave. to increase traffic flow to 18,000, then we will be increasing the traffic flow capacity by 23%. Mr. McCarty also pointed out that with the available utilities and erratic building costs, this may mean a slow down in the City's Master Plan.

Minutes of May 22, 1974, continued

Mr. McCarty asked that the Council bear in mind alternate routes as they relate to Lodi Avenue; stressed the relocation of Tokay High and its relation to Lodi Avenue; stated that he didn't feel they had sufficient information to give accurate accident pattern statistics; and stated he would recommend a plan very similar to Plan III.

There being no one else in the audience wishing to speak on the matter, the public portion of the hearing was closed.

Mayor James Pinkerton presented to the Council a Lodi Ave. alternate design plan he had developed, which would open Tokay Street as a through street to alleviate part of the Lodi Ave. traffic flow.

Following Council discussion, Mayor Pinkerton continued the matter to June 5, 1974.

#### RECESS

The Mayor declared a five-minute recess, and the Council reconvened at 10:20 p.m.

City Manager Graves reported that a letter had been received from the Lodi Ecology Action informing the City that the present operators of the Recycling Center, Valley Rehabilitation Industries, must cease operations effective June 1, 1974. Lodi Ecology Action requests approval of the Goodwill Industries as the new operators.

Speaking on behalf of this proposal were Mrs. Lynn Victor, 120 N. California Street, Lodi and Rev. John Payne, Executive Director, Goodwill Industries, 404 E. Banbury Drive, Stockton.

#### GOODWILL INDUSTRIES TO CARRY ON LEA RECYCLING PROGRAM

Following a discussion, on motion of Councilman Katnich, Schaffer second, the Council consented to allow the Lodi Ecology Action to permit Goodwill Industries to carry on the present recycling program and directed the City staff to meet with Goodwill Industries regarding the taking over of the recycling program and use of the parking area adjacent to the quonset hut.

#### SPECS - TRACTOR-LOADER

City Manager Graves stated that following the rejection of the bids received for tractor-loaders by the City Council on May 1, 1974, specifications were forwarded to four tractor-loader suppliers. They were asked to provide comments that would make their equipment more competitive. The City Manager presented the revised specifications to the Council advising that the bids this time are being taken without trade-in, as the tractor that was previously offered as a trade-in unit had been sold to Ferdun and Woods.

On motion of Councilman Schaffer, Ehrhardt second, the Council approved the specifications as presented for a tractor-loader for the Public Works Department and authorized advertising for bids thereon.

Minutes of May 22, 1974, continued

PLANS & SPECIFICATIONS-  
ELM STREET IMPROVE-  
MENTS-HAM LANE TO  
CRESCENT AVE.

The City Manager presented plans and specifications for "Elm Street Improvements, Ham Lane to Crescent Avenue" and stated that the reconstruction of the pavement on Elm Street from Crescent to Ham Lane is a budgeted item for this year. This segment of Elm Street was constructed under different specifications than are in force today. The compaction and surfacing do not meet today's standards, so the project will include compaction.

On motion of Councilman Hughes, Schaffer second, the City Council approved the plans and specifications for Elm Street Improvements, Ham Lane to Crescent Avenue and authorized the City Clerk to advertise for bids thereon.

PLANS & SPECIFICATIONS-  
VINEWOOD PARK  
RESTROOMS FOUNDATION  
& SLABS

City Manager Graves presented specifications for the Vinewood Park Restroom foundation and slabs and advised the Council that the City had awarded a contract for furnishing the prefabricated building for the Vinewood Restrooms, which will be placed on a foundation and slab furnished by the City. It now appears that the contract for the concrete and plumbing will exceed the statutory limits, thereby requiring the formal bidding procedure.

On motion of Councilman Ehrhardt, Hughes second, the City Council approved the plans and specifications for the Vinewood Park Restroom foundation and slabs and authorized the City Clerk to advertise for bids thereon.

SPECIFICATIONS-  
THREE-PHASE &  
SINGLE-PHASE PAD-  
MOUNT TRANSFORMERS

The City Manager presented specifications for three-phase and single-phase pad-mount transformers. These transformers are needed to provide for presently known requirements, speculative additions for the next fiscal year, as well as emergency replacements for units failing in service.

On motion of Councilman Ehrhardt, Katnich second, the Council approved the specifications for 3-phase and single phase pad-mount transformers and authorized the advertising for bids thereon. Council directed staff to notify bidders that delivery dates would be a key factor in the awarding of the bid.

PUBLIC HEARING ON  
WHITE SLOUGH EX-  
PANSION PROJECT

City Manager Graves advised the Council that the Environmental Protection Agency and the State Resources Control Board are very interested in public participation in Clean Water Grant projects. One of the requirements of project approval is that the City hold a public hearing on the project. A public hearing has therefore been set on the White Slough expansion project for 7:30 p.m., Thursday, June 13, 1974, in the Community Room of the San Joaquin First Federal Building. Following the public hearing, a report will be prepared including all comments and questions and said report will be forwarded to the Clean Water Section.



Minutes of May 22, 1974, continued

AGREEMENT WITH  
SP

The City Manager informed the Council that the City entered into an agreement with the Southern Pacific Transportation Company for the crossing of their track at Century Boulevard with a 30-inch storm drain and a 30-inch sanitary sewer. The construction did not start as originally planned and is expected to go further this summer. It is, therefore, necessary to extend the date on the agreement from May 1974 to May 1975.

On motion of Councilman Schaffer, Ehrhardt second, the Council approved the supplemental agreement between Southern Pacific Transportation Co. and the City of Lodi and authorized the Mayor to execute the agreement.

PUBLIC HEARINGS  
SET FOR ORDINANCES  
ADOPTING 1973 UNI-  
FORM CODES & 1971  
ELECTRICAL CODE

City Manager Graves reported that Section 17958 of the Health and Safety Code requires that every City shall adopt ordinances or regulations imposing the same requirements as outlined in Section 17922 of the Health and Safety Code. Recent Commission of Housing and Community Development regulations have updated codes to essentially require local agencies to enforce the building regulations provided in the 1973 Uniform Codes and the 1971 National Electric Code. Five uniform codes are recommended for adoption by the City Council. This meeting will be the first in the adoption process and a public hearing must be held prior to adoption of the necessary ordinance for each code.

The City Clerk read each proposed ordinance by title and a public hearing was set for each as follows:

ORDINANCE NO. 1029

AN ORDINANCE ADOPTING THE "UNIFORM BUILDING CODE," 1973 EDITION, AND THE SECONDARY CODE REFERRED TO THEREIN, NAMELY THE "UNIFORM BUILDING CODE STANDARDS," 1973 EDITION, WHICH CODES REGULATE THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF BUILDINGS OR STRUCTURES IN THE CITY OF LODI, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR, PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; REPEALING SECTIONS 5.1 AND 5.2 INCLUSIVE OF THE CODE OF THE CITY OF LODI, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH."

On motion of Councilman Katnich, Schaffer second, the matter was set for public hearing on Wednesday, June 19, 1974.

Minutes of May 22, 1974, continued

"ORDINANCE NO. 1030

AN ORDINANCE ADOPTING THE "UNIFORM HOUSING CODE", 1973 EDITION, WHICH CODE PROVIDES FOR THE MINIMUM REQUIREMENTS FOR THE PROTECTION OF LIFE, LIMB, HEALTH, PROPERTY, SAFETY AND WELFARE OF THE GENERAL PUBLIC AND THE OWNERS AND OCCUPANTS OF RESIDENTIAL BUILDINGS; PROVIDING PENALTIES FOR VIOLATION THEREOF; REPEALING SECTIONS 5-50 THROUGH 5-69 INCLUSIVE OF THE CODE OF THE CITY OF LODI AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH."

On motion of Councilman Ehrhardt, Schaffer second, the matter was set for public hearing on Wednesday, June 19, 1974.

"ORDINANCE NO. 1031

AN ORDINANCE ADOPTING THE "UNIFORM PLUMBING CODE, 1973 EDITION, PROVIDING FOR THE ESTABLISHING OF MINIMUM REGULATIONS FOR THE INSTALLATION, ALTERATION OR REPAIR OF PLUMBING AND DRAINAGE SYSTEMS AND THE INSPECTION THEREOF; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING SECTIONS 18.1, 18.2 AND 18.3 INCLUSIVE OF THE CODE OF THE CITY OF LODI AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH."

On motion of Councilman Hughes, Schaffer second, the matter was set for public hearing on Wednesday, June 19, 1974.

"ORDINANCE NO. 1032

AN ORDINANCE ADOPTING THE "UNIFORM MECHANICAL CODE," 1973 EDITION, WHICH CODE PROVIDES REGULATIONS CONTROLLING THE DESIGN, CONSTRUCTION, INSTALLATION, QUALITY OF MATERIALS, LOCATION, OPERATION, AND MAINTENANCE OF HEATING, VENTILATING, COMFORT COOLING, REFRIGERATION SYSTEMS, INCINERATORS AND OTHER HEAT PRODUCING APPLIANCES IN THE CITY OF LODI, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND REPEALING SECTIONS 13A-1, 13A-2 AND 13A-3 INCLUSIVE OF THE CODE OF THE CITY OF LODI, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH."

Minutes of May 22, 1974, continued

On motion of Council Schaffer, Katnich second, the matter was set for public hearing on Wednesday, June 19, 1974.

"ORDINANCE NO. 1033

AN ORDINANCE ADOPTING THE "NATIONAL ELECTRICAL CODE," 1971 EDITION, WHICH CODE REGULATES THE INSTALLATION, ALTERATION, OR ADDITION OF ELECTRICAL WIRING, DEVICES, APPLIANCES, OR EQUIPMENT IN THE CITY OF LODI; AND REPEALING SECTIONS 9-1, 9-10, 9-11, 9-12, 9-13, 9-14, 9-16, AND 9-17 OF THE CODE OF THE CITY OF LODI, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH."

On motion of Councilman Ehrhardt, Katnich second, the matter was set for public hearing on Wednesday, June 19, 1974.

THOMAS NEWTON  
NAMED ASS'T.  
CITY ATTORNEY

On motion of Councilman Schaffer, Katnich second, the Council appointed Thomas Newton as Assistant City Attorney with no compensation to be received from the City of Lodi.

S. P.  
CROSSINGS

Councilman Schaffer stressed to the Council that he felt something should be done about the state of disrepair of the Southern Pacific crossings. A discussion followed on this matter with no action being taken.

EXECUTIVE  
SESSION

At approximately 11:15 p. m., the Mayor adjourned the meeting to an executive session. The Council reconvened at 11:25 p. m.

PLANNING  
COMMISSION  
APPOINTMENT  
E. LARKIN

Mayor Pinkerton announced the appointment of Mr. Eugene L. Larkin, 6572 E. Kettleman Lane, Lodi, to the Planning Commission to fill the unexpired term of Dr. C. Robert Breckenridge, which term expires on June 30, 1977.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:30 p. m.

*Alice M. Reimche*  
Attest: ALICE M. REIMCHE  
City Clerk